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May 8, 2015

VIA ECF

Hon. Brian M. Cogan
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Linde v. Arab Bank, PLC, 04-CV-2799 (BMC)(VVP) and related cases*

Dear Judge Cogan:

On behalf of the *Linde* Plaintiffs, this letter constitutes Plaintiffs' submission regarding Defendant Arab Bank PLC's letter-motion ("Defendant's Letter" – *Linde* ECF No. 1244) to dismiss the *Linde* Plaintiffs' Second Amended Complaint.

Defendant's Letter explained that the Bank incorporated by reference the Bank's prior submissions to "preserve its arguments for appellate review" and did not present any new or different arguments from those set forth in the prior submissions listed in the Letter. Plaintiffs therefore correspondingly adopt and incorporate by reference their prior submissions.¹ Accordingly, for the reasons set forth in Plaintiffs' prior submissions, and those set forth in the Court's prior Orders,² Plaintiffs

¹ For the Court's convenience, such prior submissions are found at: *Linde* ECF No. 53-3 (Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion to Dismiss the First Amended Complaint, together with supporting affidavits and exhibits); *Linde* ECF No. 157-2 (Plaintiffs' Memorandum of Law in Opposition to Arab Bank Plc's Motion for Certification of an Interlocutory Appeal of this Court's denial, in substantial part, of its motion to dismiss); *Linde* ECF No. 892 (Plaintiffs' Memorandum of Law in Opposition to the Bank's Motion for Summary Judgment, together with supporting affidavits and exhibits); *Linde* ECF No. 949 (Plaintiffs' brief in opposition to the Bank's motion for partial reconsideration of the court's summary judgment decision); and *Linde* ECF No. 1193 (Plaintiffs' omnibus brief in opposition to the Bank's motions for judgment as a matter of law, a new trial or, in the alternative, certification of an interlocutory appeal, together with supporting exhibits).

² *Linde v. Arab Bank PLC*, 385 F. Supp. 571 (E.D.N.Y. 2005) (denying in part Defendant's motion to dismiss First Amended Complaint); *Linde v. Arab Bank PLC*, 269 F.R.D. 186 (E.D.N.Y. 2010) (issuing Fed. R. Civ. P. 37 remedies), aff'd 706 F.3d 92 (2d Cir. 2013); April 24, 2013 Bench Order denying summary judgment (*Linde* ECF No. 937); June 18, 2013 Order denying reconsideration of summary judgment denial (*Linde* ECF No. 963); *Linde v. Arab Bank, PLC*, 950 F. Supp. 2d 459 (E.D.N.Y. 2013) (reinstating claims based on amended statute of limitations); *Linde v. Arab Bank, PLC*, ____ F. Supp. 3d ___, 2015 WL 1565479 (E.D.N.Y. Apr. 8, 2015) (denying in part Defendant's motion for judgment as matter of law, a new trial, or certification of an interlocutory appeal).

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respectfully request that the Court deny Defendant's motion to dismiss the *Linde* Plaintiffs' Second Amended Complaint,³ together with such other and further relief as the Court may deem appropriate.

Respectfully submitted,

/s/ Gary M. Osen

cc: All Counsel

³ The Court has already held in its April 8, 2015 electronic docket order that Plaintiffs' common law liability claims and claims for intentional infliction of emotional distress, to the extent they have already been adjudicated with respect to other plaintiffs, are deemed withdrawn as to the new Plaintiffs. As set forth in Plaintiffs' March 20, 2015 letter (*Linde* ECF No. 1240) to the extent procedurally necessary, Plaintiffs do not object to the Court entering an Order that conforms to prior rulings dismissing certain of Plaintiffs' claims (see Defendant's Letter at 2-3).